

FILED
IN CLERK
U S DISTRICT COURT
★ FEB 14 2012 ★
28
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

Plaintiff,

-and-

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ and KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated*,

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant,

-and-

THE UNIFORMED FIREFIGHTERS ASSOCIATION
OF GREATER NEW YORK,

A Non-Aligned Party.

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

In preparation for entry-level firefighter Exam 2000, the parties and Court Monitor Mark S. Cohen have considered issues relating to exam preparation tutorials. (Court Monitor's Feb. 8, 2012 Letter (Docket Entry # 806) at 1.) The parties have not come to an agreement on whether

the Vulcan Society should have access to contact information for Exam 2000 applicants. (Id.)

The Court Monitor has summarized the parties' positions and made his recommendations. (Id. at 2-5.) Having considered the Court Monitor's submission, the court orders the following: the City shall provide to the Vulcan Society email contact information for the candidates as the Vulcan Society has requested (See Court Monitor's Feb. 9, 2012 (Docket Entry # 807).) The Vulcan Society may use these email addresses to contact candidates with emails that introduce applicants to the Vulcan Society, invite applicants to attend Vulcan Society tutorials, and invite applicants to supply the Vulcan Society with additional contact information. Unless a candidate has specifically agreed to follow-up contact with the Vulcan Society, the Vulcan Society shall provide the parties and the Court Monitor the text of any proposed email communication in advance. Any other firefighter fraternal organization with New York City Fire Department membership that wishes to contact candidates and hold tutorials shall have access to candidates' emails on the same terms as approved for the Vulcan Society above. The Vulcan Society shall maintain lists of tutorial attendees and supply the same to the City; any other fraternal organization that holds tutorials shall do the same. The City is permitted to email or otherwise inform candidates of the various fraternal organizations that are offering tutorial programs and advise candidates of contact data and website links of those organizations.

SO ORDERED.

Dated: Brooklyn, New York
February 14, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge

U